

# Hawai'i State Association of Counties (HSAC)

Counties of Kaua'i, Maui, Hawai'i and City & County of Honolulu

530 S. King Street, Honolulu, Hawai'i 96813 (808) 768-5032 [www.hawaiicounties.com](http://www.hawaiicounties.com)



## MINUTES

HSAC EXECUTIVE COMMITTEE MEETING

Monday, November 25, 2019 • 10:00 a.m.

Meeting held via Conference Call

### I. CALL TO ORDER

The HSAC Executive Committee was called to order by HSAC President Joey Manahan at 10:09 a.m. The following members comprising a quorum were present:

City and County of Honolulu: President Joey Manahan  
Council Member, City and County of Honolulu

County of Kaua'i: Vice President Ross Kagawa  
Council Chair, County of Kaua'i

County of Hawai'i: Secretary Ashley Kierkiewicz  
Council Member, County of Hawai'i

County of Maui: Tamara Paltin (Alternate)  
Council Member, County of Maui

Others Present: Aida Kawamura, Legislative Assistant, Office of Council  
Services, County of Kaua'i

Shelly Espeleta, Legislative Analyst, Office of Council  
Services, County of Maui

Anela Keko'olani, Administrative & Committee Analyst,  
Office of Joey Manahan, City and County of Honolulu

George White, Office of Council Services  
City and County of Honolulu

Kamakana Watanabe, Office of Council Services  
City and County of Honolulu



## **II. APPROVAL OF AGENDA**

Secretary Kierkiewicz moved to approve the agenda, with a second by Vice President Kagawa.

The motion to approve the agenda of the November 25, 2019 meeting of the HSAC Executive Committee carried unanimously.

## **III. NEW BUSINESS**

### **A. Waiver for Conference Call**

Vice President Kagawa motioned to waive the location of the meeting, noting the body was convening via conference call. Secretary Kierkiewicz seconded the motion, which carried unanimously.

### **B. Approval of 2020 HSAC Legislative Package**

Secretary Kierkiewicz requested the body narrow its package to six to eight options to show the Legislature the counties are organized and could work together to prioritize issues. President Manahan said the body needed act quickly in order to meet introduction deadlines. Both Vice President Kagawa and Council Member Paltin agreed with narrowing the list of bill proposals to eight.

Secretary Kierkiewicz said Hawai'i County would support proposals relating to Housing Development, Transient Accommodations Tax, County Authority on the Sale of Tobacco Products, Registration of Vehicles; Outstanding Charges, Registration of Vehicles; U-Drive Additional Fee, Use of Intoxicants While Operating a Vehicle, Invasive Species, and Cesspools; Tax Credits.

Council Member Paltin said Maui would support proposals relating to Historic Preservation, Cesspools; Tax Credits, Use of Intoxicants While Operating a Vehicle, Sea Level Rise, Invasive Species, Increasing Funding for Agriculture, and Community Meetings.

Secretary Kierkiewicz expressed concern that the Historic Preservation bill as proposed did not fully address the issues at SHPD, and noted that automatic approval of applications after 30 days would likely be met with opposition, particularly among groups sensitive about archaeological resources. She also noted a recent presentation to the Hawai'i County Council by Dr. Chip Fletcher where shared the Climate Change Commission was in the process of securing federal funds to complete a more intensive sea level rise and mitigation report, so Maui would appreciate knowing that and may consider a different bill to elevate into the HSAC package. President Manahan said Secretary Kierkiewicz brought up good points.



Council Member Paltin hoped steps would be taken to address sea level rise for transportation as Maui's main artery could likely end up under water and mitigation needed to happen. She said if this was the work of the Commission, Maui would support the proposal relating to cesspools; cesspool conversion working group. She asked for clarification of the proposals relating to TAT and housing development, a topic she believed would be a priority in the upcoming session.

Secretary Kierkiewicz explained the proposal relating to TAT was brought forward by Council Member Tim Richards after discussions with members of the Legislature, with the goal of increasing counties share for the purpose of maintaining county parks and recreational spaces which are often times frequented by visitors and in need of improvements. She shared the proposal relating to Housing Development is geared toward clarifying 201H to align with 205, which currently allows for a county's legislative body to grant boundary amendments for requests 15 acres or less that are not designated important agricultural lands or conservation lands. She shared Hawai'i County was looking for clarifying language as it had first-hand experience in this arena, with the LUC stating it had the authority to review boundary amendment requests concerning 201H projects, regardless of the size.

President Manahan said housing development is a long process in and of itself, and 201H was especially long despite it being an effort to streamline, so he was supportive of this attempt to clarify the statute. He asked for a motion to approve proposals relating to Housing Development, Transient Accommodations Tax, County Authority on the Sale of Tobacco Products, Registration of Vehicles; Outstanding Charges, Registration of Vehicles; U-Drive Additional Fee, Tort Liability, Use of Intoxicants While Operating a Vehicle, and Cesspools; Tax Credits for the HSAC 2020 legislative package.

Council Member Paltin asked about the Tort Liability as she was under the impression this concept was squashed. Vice President Kagawa explained that Mr. Okudara advised that if positioned correctly, it could happen this session, and that the goal was to get lifeguards to the legislature to testify. Vice President Kagawa wanted to rely on Mr. Okudara's expertise. President Manahan believed Mr. Okudara's advice to be consistent. Council Member Paltin said the bill was timely and that some people wanted lifeguards at State parks.

Vice President Kagawa was especially supportive of proposals relating to Registration of Vehicles; Outstanding Charges, and Registration of Vehicles; U-Drive Additional Fee, as a way to get a better handle on the abandoned vehicles problem. He believed these bills were a way to improve the process, giving counties an additional tool to deal with derelict vehicles. Council Member Paltin agreed with that the abandoned vehicle problem was massive and these bills would be helpful in addressing.



Vice President Kagawa motioned approve proposals relating to Housing Development, Transient Accommodations Tax, County Authority on the Sale of Tobacco Products, Registration of Vehicles; Outstanding Charges, Registration of Vehicles; U-Drive Additional Fee, Tort Liability, Use of Intoxicants While Operating a Vehicle, and Cesspools; Tax Credits for the HSAC 2020 legislative package. The motion was seconded by Secretary Kierkiewicz and carried unanimously.

Secretary Kierkiewicz asked if it was necessary to elevate a few items as top priorities within the package. President Manahan said this may be the case after speaking with legislative leadership, but that for now the body would push for all proposals. Council Member Paltin noted Maui would elevate the proposal relating to the Use of Intoxicants While Operating a Vehicle.

President Manahan noted the deadline to submit the package for introduction at the Legislature was December 15, so counties needed to approve the package before then.

#### C. WordPress Subscription Renewal on December 13, 2019 - Associated Payment Method

Anela Keko'olani explained that the annual membership fee for the website was adopted with the budget, but wanted clarification as to what category it was covered under and wondered if it was included in Miscellaneous. The Executive Committee could move to put it in the budget. She asked if Maui could look over the budget and recommend what category the WordPress fee would come out of. Shelly Espeleta explained Council Member Valerie Poindexter's account was no longer linked and that the body needed to update payment information. She said Council Member Poindexter was concerned about sharing the website login info and expressed wanting to have someone knowledgeable in WordPress to make updates.

Secretary Kierkiewicz motioned to renew the annual WordPress subscription, with a second by Vice President Kagawa. The motion carried unanimously.

#### **IV. ADJOURNMENT**

Vice President Kagawa motioned to adjourn the meeting, with a second by Secretary Kierkiewicz. The motion carried unanimously. President Manahan adjourned the meeting at 10:50a.m.

A handwritten signature in black ink, appearing to read "Ashley L. Kierkiewicz", written over a horizontal line.

Council Member Ashley L. Kierkiewicz  
Secretary, Hawai'i State Association of Counties

## **Proposed HSAC 2020 Conference Coordinator Scope of Work & Budget**

Agreement totaling no more than \$10,000 to provide event planning and coordination services in support of the 2020 HSAC annual conference on Hawai'i Island.

Recommended Scope of Services & Responsibilities of Event Coordinator:

### Conference Venue

- Site selection for conference
- Draft contract with selected venue
- Negotiations for all services, concessions, accommodations, AV requirements
- Create master layout for conference schedule including plenary sessions, breakout sessions, working group meetings, sponsor exhibits and products expo

### Food Services

- Design conference-specific menus and coordinate how meals will be served:
  - Opening reception, two breakfasts, two lunches, closing dinner, snacks throughout
  - Negotiate locally-sourced foods and zero waste concepts
  - Make arrangements for special diets/dietary restrictions

### Conference Registration

- Develop and manage online ticketing purchase portal
  - Establish registration procedures and cancellation policy
  - Create sponsor codes
  - Develop confirmation of purchase, and event reminder emails
  - Include field trips, conference, closing dinner, golf tournament purchases

### Branded Materials & Collateral Development

- Provide content support (copy, visual, graphic design) for conference materials such as website, program booklet, sponsor banners, and other informational/promotional collateral
- Coordinate design/print of branded materials such as lanyards, name tags, on-site signage

### VIP, Speakers Support

- Coordinate travel, accommodations, AV needs of speakers and VIPs (NACo leadership)

### Conference Omiyage

- Coordinate conference omiyage

### Pre-Conference Field Trips

- Coordinate venues for pre-conference field experiences

### Pre-Conference Support

- Assist with budget development and financial tracking

### During Conference

- Provide on-site support during conference including logistical management (room set-ups, posting of signage, AV, food arrangements, etc)



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## RESOLUTION

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**RELATING TO THE 2020 HAWAII STATE ASSOCIATION OF COUNTIES  
LEGISLATIVE PACKAGE.**

**WHEREAS, the Hawaii State Association of Counties ("HSAC") is composed of the members of all four county councils of the State of Hawaii ("State"); and**

**WHEREAS, the legislative package proposed by HSAC represents the State legislative priorities of the four counties; and**

**WHEREAS, the HSAC Executive Committee has proposed State legislation listed in this resolution to be part of the HSAC 2020 legislative package; and**

**WHEREAS, approval by all four councils is required to include proposals in the 2020 HSAC legislative package; now, therefore,**

**BE IT RESOLVED by the Council of the City and County of Honolulu that it approves for inclusion in the 2020 Hawaii State Association of Counties legislative package the following measures:**

- 1. A bill relating to housing development, providing a county's legislative body the ability to review and approve land use district boundary amendments for affordable housing projects that are on 15 acres or less, Exhibit A;**
- 2. A bill relating to the transient accommodations tax ("TAT"), amending the allocation of transient accommodations tax revenues based upon the recommendation of the State-County Working Group established by Act 174, Session Laws of Hawaii 2014, to consider the distribution of duties and responsibilities for public services between the State and the counties and recommend a model for the allocation of TAT revenues, Exhibit B;**
- 3. Senate Bill 159, a carryover measure from the 2019 Legislative Session, repealing the State's preemption of county powers over the regulation of tobacco products, including electronic smoking devices, and clarifying county powers to adopt and enforce ordinances and rules related to this regulation, Exhibit C;**
- 4. A bill relating to registration of vehicles, allowing the director of finance of a county to require payment of outstanding charges owed to the county for the towing, removal, or disposal of an abandoned or derelict vehicle within the county before issuing a motor vehicle certificate of registration, Exhibit D;**



**CITY COUNCIL**  
CITY AND COUNTY OF HONOLULU  
HONOLULU, HAWAII


No. 19-324

**RESOLUTION**

5. A bill relating to registration of vehicle, modifying the amount of the additional fee that a county may assess U-drive motor vehicles for each certificate of registration, and establishing a single fee with funds deposited into the revolving fund for highway beautification and disposal of abandoned and derelict vehicles, Exhibit E;
6. A bill relating to tort liability, exempting the State and counties from tort liability arising from lifeguard services, except for civil damages arising from gross negligence or wanton acts or omissions, Exhibit F;
7. A bill relating the use of intoxicants while operating a vehicle, lowering the threshold of Blood Alcohol Concentration from 0.08 to 0.05 for the offense of operating a vehicle while under the influence of an intoxicant, Exhibit G; and
8. A bill relating to cesspools, extending the tax credits for the upgrade, conversion, or connection of a qualified cesspool to a sewer system, and eliminating the geographical limitations for qualified cesspools, Exhibit H; and

BE IT FINALLY RESOLVED that a copy of this resolution be transmitted to the President of the Hawaii State Association of Counties.

INTRODUCED BY:

  
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\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

DATE OF INTRODUCTION:

**NOV 27 2019**

Honolulu, Hawaii

Councilmembers

**COUNTY COUNCIL**

Arryl Kaneshiro, Chair  
Ross Kagawa, Vice Chair  
Arthur Brun  
Mason K. Chock  
Felicia Cowden  
Luke A. Evslin  
KipuKai Kualii



Council Services Division  
4396 Rice Street, Suite 209  
Lihu'e, Kaua'i, Hawai'i 96766

**OFFICE OF THE COUNTY CLERK**

Jade K. Fountain-Tanigawa, County Clerk  
Scott K. Sato, Deputy County Clerk

Telephone: (808) 241-4188  
Facsimile: (808) 241-6349  
E-mail: cokcouncil@kauai.gov

December 5, 2019

President Joey Manahan  
and Executive Committee Members  
Hawai'i State Association of Counties  
Via E-mail to a.kekoolani@honolulu.gov

Dear President Manahan and Executive Committee Members:

Enclosed for your information and files is a certified copy of Resolution No. 2019-69, "RESOLUTION APPROVING PROPOSALS FOR INCLUSION IN THE 2020 HAWAII STATE ASSOCIATION OF COUNTIES LEGISLATIVE PACKAGE," which was approved by the Kaua'i County Council on December 4, 2019.

Should you have any questions, please feel free to contact me or Council Services Staff at (808) 241-4188.

Sincerely,

JADE K. FOUNTAIN-TANIGAWA  
County Clerk, County of Kaua'i

:ks  
Enclosure



# COUNTY COUNCIL

COUNTY OF KAUAI

## Resolution No. 2019-69

### RESOLUTION APPROVING PROPOSALS FOR INCLUSION IN THE 2020 HAWAII STATE ASSOCIATION OF COUNTIES LEGISLATIVE PACKAGE

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BE IT RESOLVED BY THE COUNCIL OF THE COUNTY OF KAUAI, STATE OF HAWAII:

WHEREAS, legislative proposals have been submitted by member counties of the Hawai'i State Association of Counties (HSAC) for consideration by the County Councils for inclusion in the 2020 HSAC Legislative Package; and

WHEREAS, at its meeting on November 25, 2019, the HSAC Executive Committee approved for inclusion in the 2020 HSAC Legislative Package the following:

**1. Relating to Housing Development.**

Provides a county's legislative body the ability to review and approve land use district boundary amendments for affordable housing projects that are on fifteen acres or less. (*County of Hawai'i*)

**2. Relating to Transient Accommodations Tax.**

Amends the allocation of transient accommodations tax revenues based upon the recommendations of the State-County Functions Working Group established by Act 174, Session Laws of Hawai'i 2014, to consider the distribution of duties and responsibilities for public services between the State and the counties and to recommend a model for the allocation of TAT revenues. (*County of Hawai'i*)

**3. Relating to Tobacco Products.**

Repeals the State's preemptory powers over the regulation of tobacco products. Clarifies the county powers to adopt and enforce ordinances and rules. (*City & County of Honolulu*)

**4. Relating to Registration of Vehicles.**

Allows the director of finance of a county to require payment of outstanding charges owed to the county for the towing, removal, or disposal of an abandoned or derelict vehicle within the county before issuing a motor vehicle certificate of registration. (*County of Kaua'i*)

**5. Relating to Registration of Vehicles.**

Modifies the amount of the additional fee that a county may assess U-drive motor vehicles for each certificate of registration, and establishes a single fee with funds deposited into the revolving fund for highway beautification and disposal of abandoned and derelict vehicles. (*County of Kaua'i*)

**6. Relating to Tort Liability.**

Makes an exemption from tort liability for the State and counties arising from lifeguard services, except for gross negligence or wanton acts or omissions. (*County of Kaua'i*)

**7. Relating to the Use of Intoxicants While Operating a Vehicle.**

Lowers the threshold of Blood Alcohol Concentration to 0.05 for the offense of operating a vehicle while under the influence of an intoxicant. (*County of Maui*)

**8. Relating to Cesspools.**

Extends the tax credits for the upgrade, conversion, or connection of a qualified cesspool to a sewer system, and eliminates the geographical limitations for qualified cesspools. (*County of Maui*)

WHEREAS, HSAC Bylaws require that all four (4) Counties approve of each proposal for inclusion in the HSAC Legislative Package; now, therefore,

BE IT RESOLVED BY THE COUNCIL OF THE COUNTY OF KAUAI, STATE OF HAWAII, that it hereby approves the following proposals which are attached hereto for inclusion in the 2020 HSAC Legislative Package:

1. Relating to Housing Development
2. Relating to Transient Accommodations Tax
3. Relating to Tobacco Products
4. Relating to Registration of Vehicles (Outstanding Charges)
5. Relating to Registration of Vehicles (U-Drive Additional Fee)
6. Relating to Tort Liability
7. Relating to the Use of Intoxicants While Operating a Vehicle
8. Relating to Cesspools (Tax Credits)

BE IT FURTHER RESOLVED, that a certified copy of this Resolution be transmitted to the HSAC Executive Committee.

Introduced by:



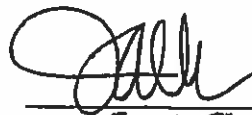
ROSS KAGAWA

V:\RESOLUTIONS\2018-2020 TERM\reso 2020 pkg.docx

|           | AYE | NAY | EXCUSE | REFUSE |
|-----------|-----|-----|--------|--------|
| Brun      | X   |     |        |        |
| Chock     | X   |     |        |        |
| Cowden    | X   |     |        |        |
| Ebslin    | X   |     |        |        |
| Kagawa    | X   |     |        |        |
| Kaneshiro | X   |     |        |        |
| Kuali'i   | X   |     |        |        |
| Total     | 7   | 0   | 0      | 0      |

**Certificate Of Adoption**

We hereby certify that Resolution No. 2019-69  
was adopted by the Council of the County of Kaua'i, State of  
Hawaii'i, Lihu'e, Kaua'i, Hawaii'i, on December 4, 2019.



County Clerk

Dated December 4, 2019



Chairman & Presiding Officer

# Resolution

No. 19-193

## APPROVING PROPOSALS FOR INCLUSION IN THE 2020 HAWAII STATE ASSOCIATION OF COUNTIES LEGISLATIVE PACKAGE

WHEREAS, Section 13C of the Hawaii State Association of Counties' bylaws provide for the submittal to the State Legislature of an annual HSAC Legislative Package composed of measures approved for inclusion by all four county councils; and

WHEREAS, two proposals were submitted by the County of Hawaii entitled:

"A BILL FOR AN ACT RELATING TO HOUSING DEVELOPMENT";

"A BILL FOR AN ACT RELATING TO TRANSIENT ACCOMMODATIONS TAX"; and

WHEREAS, one proposal was submitted by the City and County of Honolulu entitled:

"A BILL FOR AN ACT RELATING TO TOBACCO PRODUCTS"; and

WHEREAS, three proposals were submitted by the County of Kauai entitled:

"A BILL FOR AN ACT RELATING TO REGISTRATION OF VEHICLES"  
(Outstanding Charges);

"A BILL FOR AN ACT RELATING TO REGISTRATION OF VEHICLES"  
(U-Drive Additional Fee);

"A BILL FOR AN ACT RELATING TO TORT LIABILITY"; and

WHEREAS, nine proposals were submitted by the County of Maui, as reflected in the following resolutions:

**Resolution No. 19-193**

Resolution 19-150, entitled "APPROVING FOR INCLUSION IN THE 2020 HAWAII STATE ASSOCIATION OF COUNTIES LEGISLATIVE PACKAGE A STATE BILL TO INCREASE FUNDING FOR AGRICULTURE";

Resolution 19-151, entitled "APPROVING FOR INCLUSION IN THE 2020 HAWAII STATE ASSOCIATION OF COUNTIES LEGISLATIVE PACKAGE A STATE BILL TO AUTHORIZE SUPPLEMENTAL CATEGORICAL FUNDING FOR REMOTE SCHOOLS AND APPROPRIATE FUNDS;

Resolution 19-162, entitled "APPROVING FOR INCLUSION IN THE 2020 HAWAII STATE ASSOCIATION OF COUNTIES LEGISLATIVE PACKAGE A STATE BILL TO AMEND ACT 132, SESSION LAWS OF HAWAII 2018 RELATING TO CESSPOOL CONVERSION WORKING GROUP";

Resolution 19-163, entitled "APPROVING FOR INCLUSION IN THE 2020 HAWAII STATE ASSOCIATION OF COUNTIES LEGISLATIVE PACKAGE A STATE BILL ALLOWING COUNTY COUNCILMEMBERS TO ATTEND INFORMATIONAL MEETINGS OR PRESENTATIONS WITHOUT LIMITATION ON THE NUMBER OF ATTENDEES";

Resolution 19-164, entitled "APPROVING FOR INCLUSION IN THE 2020 HAWAII STATE ASSOCIATION OF COUNTIES LEGISLATIVE PACKAGE A STATE BILL TO ALLOW THE COUNTIES TO REGULATE HOSTING PLATFORMS";

Resolution 19-165, entitled "APPROVING FOR INCLUSION IN THE 2020 HAWAII STATE ASSOCIATION OF COUNTIES LEGISLATIVE PACKAGE A STATE BILL TO CREATE A PAID RESPONSE MECHANISM FOR INVASIVE SPECIES";

Resolution 19-166, entitled "APPROVING FOR INCLUSION IN THE 2020 HAWAII STATE ASSOCIATION OF COUNTIES LEGISLATIVE PACKAGE A STATE BILL TO INCREASE FUNDING AND DIRECT THE HAWAII CLIMATE CHANGE MITIGATION AND ADAPTATION COMMISSION";

**Resolution No. 19-193**

Resolution 19-167, entitled "APPROVING FOR INCLUSION IN THE 2020 HAWAII STATE ASSOCIATION OF COUNTIES LEGISLATIVE PACKAGE A STATE BILL TO LOWER THE THRESHOLD OF BLOOD ALCOHOL CONCENTRATION TO 0.05";

Resolution 19-168, entitled "APPROVING FOR INCLUSION IN THE 2020 HAWAII STATE ASSOCIATION OF COUNTIES LEGISLATIVE PACKAGE A STATE BILL TO OFFER FINANCIAL ASSISTANCE TO OWNERS OF CESSPOOLS SEEKING TO UPGRADE OR CONVERT THEIR CESSPOOLS"; and

WHEREAS, by correspondence dated November 26, 2019, attached as Exhibit "A," HSAC President Joey Manahan informed the Council of the eight proposals submitted by the HSAC Executive Committee for possible inclusion in the 2020 HSAC Legislative Package; now, therefore,

BE IT RESOLVED by the Council of the County of Maui:

1. That it reiterates its approval for inclusion in the 2020 Hawaii State Association of Counties Legislative Package the State bills referenced in Resolutions 19-150, 19-151, 19-162, 19-163, 19-164, 19-165, 19-166, 19-167, and 19-168;
2. That it approves the following proposals, attached as Exhibit "A," for inclusion in the 2020 Hawaii State Association of Counties Legislative Package:
  - A. "A BILL FOR AN ACT RELATING TO HOUSING DEVELOPMENT" (Exhibit "1");
  - B. "A BILL FOR AN ACT RELATING TO TRANSIENT ACCOMMODATIONS TAX" (Exhibit "2");
  - C. "A BILL FOR AN ACT RELATING TO TOBACCO PRODUCTS" (Exhibit "3");
  - D. "A BILL FOR AN ACT RELATING TO REGISTRATION OF VEHICLES" (Outstanding Charges) (Exhibit "4");
  - E. "A BILL FOR AN ACT RELATING TO REGISTRATION OF VEHICLES" (U-Drive Additional Fee) (Exhibit "5");

**Resolution No. 19-193**

- F. "A BILL FOR AN ACT RELATING TO TORT LIABILITY"  
(Exhibit "6");
  - G. "A BILL FOR AN ACT RELATING TO THE USE OF  
INTOXICANTS WHILE OPERATING A VEHICLE"  
(Exhibit "7"); and
  - H. "A BILL FOR AN ACT RELATING TO CESSPOOLS"  
(Exhibit "8"); and
3. That a certified copy of this resolution be transmitted to the  
HSAC Executive Committee.

ocs:proj:hsac:fy2020:reso:hsacpackage

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## A BILL FOR AN ACT

RELATING TO HISTORIC PRESERVATION.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HAWAII:

1       SECTION 1. The legislature finds that many affordable  
2 housing projects are delayed because of the state historic  
3 preservation division's inability to efficiently and effectively  
4 provide necessary reviews to ensure compliance with the state  
5 historic preservation law.

6       The purpose of this Act is to:

- 7       (1) Authorize the department of land and natural resources  
8           to delegate to qualified archaeologists employed by  
9           the counties the authority to perform reviews of  
10          proposed projects under the historic preservation  
11          program, under certain conditions;
- 12       (2) Deem proposed projects to be approved if the  
13           archaeological review is not completed within a  
14           certain time frame; and
- 15       (3) Grant challenges to archaeological reviews expedited  
16          hearings before the supreme court.





SECTION 2. Section 6E-42, Hawaii Revised Statutes, is amended to read as follows:

"§6E-42 Review of proposed projects. (a) Except as provided in section 6E-42.2, before any agency or officer of the State or its political subdivisions approves any project involving a permit, license, certificate, land use change, subdivision, or other entitlement for use, which may affect historic property, aviation artifacts, or a burial site, the agency or office shall advise the department and prior to any approval shall allow the department or a qualified archaeologist employed by the relevant county an opportunity for review and comment on the effect of the proposed project on historic properties, aviation artifacts, or burial sites, consistent with section 6E-43, including those listed in the Hawaii register of historic places. If:

- (1) The proposed project consists of corridors or large land areas;
- (2) Access to properties is restricted; or
- (3) Circumstances dictate that construction be done in stages,



1 the ~~[department's]~~ review and comment may be based on a phased  
2 review of the project; provided that there shall be a  
3 programmatic agreement between the department and the project  
4 applicant that identifies each phase and the estimated timelines  
5 for each phase.

6 (b) The department shall inform the public of any project  
7 proposals submitted to it under this section that are not  
8 otherwise subject to the requirement of a public hearing or  
9 other public notification.

10 (c) The department's review under this section may be  
11 delegated to a qualified archaeologist employed by the relevant  
12 county:

13 (1) Upon request by the county;

14 (2) Upon request by the entitlement applicant, with the  
15 concurrence of the county agency employing the  
16 archaeologist; or

17 (3) By agreement between the county agency employing the  
18 archaeologist and the department.

19 (d) The proposed project shall be deemed automatically  
20 approved by the state historic preservation division if the



1 archaeological review under this section is not completed within  
 2 thirty calendar days.

3 (e) Challenges to any archaeological review shall be  
 4 subject to an expedited hearing before the supreme court.

5 ~~[(e)]~~ (f) The department shall adopt rules in accordance  
 6 with chapter 91 to implement this section."

7 SECTION 3. Statutory material to be repealed is bracketed  
 8 and stricken. New statutory material is underscored.

9 SECTION 4. This Act shall take effect upon its approval.

10

INTRODUCED BY:

Paul G. ...

...

Mark ...

...

Nathan K. ...

...

Lyn ...

...

JAN 22 2020



**Report Title:**

Historic Preservation; Review of Proposed Projects; DLNR;  
Counties; Qualified Archaeologists

**Description:**

Authorizes DLNR to delegate to qualified archaeologists employed by the counties the authority to perform reviews of proposed projects under the historic preservation program, under certain conditions. Provides that proposed projects under the program are deemed automatically approved if the archaeological review is not completed within 30 calendar days. Provides that challenges to an archaeological review are subject to an expedited hearing before the supreme court.

*The summary description of legislation appearing on this page is for informational purposes only and is not legislation or evidence of legislative intent.*

